

Title 302 - NEBRASKA REAL ESTATE COMMISSION

Chapter 1 - SELLER PROPERTY CONDITION DISCLOSURE STATEMENT.

001 The disclosure statement required by Neb. Rev. Stat. Section 76-2,120 shall be in substantially the following form:

NEBRASKA REAL ESTATE COMMISSION

SELLER PROPERTY CONDITION DISCLOSURE STATEMENT

Residential Real Property

THIS DISCLOSURE STATEMENT IS BEING COMPLETED AND DELIVERED IN ACCORDANCE WITH NEBRASKA LAW. NEBRASKA LAW REQUIRES THE SELLER TO COMPLETE THIS STATEMENT (NEB. REV. STAT. § 76-2,120).

Seller ___ is ___ is not occupying the real property.

How long has Seller owned the real property? _____ year(s)

This Disclosure Statement concerns the real property located at

—

in the City of _____, County of _____, State of Nebraska and legally described as

—

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THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE REAL PROPERTY KNOWN BY THE SELLER ON THE DATE ON WHICH THIS STATEMENT IS SIGNED. THIS STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR ANY AGENT REPRESENTING A PRINCIPAL IN THE TRANSACTION, AND SHOULD NOT BE ACCEPTED AS A SUBSTITUTE FOR ANY INSPECTION OR WARRANTY THAT THE PURCHASER MAY WISH TO OBTAIN. EVEN THOUGH THE INFORMATION PROVIDED IN THIS STATEMENT IS NOT A WARRANTY, THE PURCHASER MAY RELY ON THE INFORMATION CONTAINED HEREIN IN DECIDING WHETHER AND ON WHAT TERMS TO PURCHASE THE REAL PROPERTY. ANY AGENT REPRESENTING A PRINCIPAL IN THE TRANSACTION MAY PROVIDE A COPY OF THIS STATEMENT TO ANY OTHER PERSON IN CONNECTION WITH ANY ACTUAL OR POSSIBLE SALE OF THE REAL PROPERTY. THE INFORMATION PROVIDED IN THIS STATEMENT IS THE REPRESENTATION OF THE SELLER AND NOT THE REPRESENTATION OF ANY AGENT, AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE SELLER AND PURCHASER.

Seller please note: You are required to complete this Disclosure Statement in full. If any particular item or matter does not apply and there is no provision or space for so indicating, insert "N/A".

SELLER STATES THAT, TO THE BEST OF SELLER'S BELIEF AND KNOWLEDGE AS OF THE DATE THIS DISCLOSURE STATEMENT IS COMPLETED AND SIGNED BY THE SELLER, THE CONDITION OF THE REAL PROPERTY IS:

PART I - If there is more than one of any item in this Part, the statement made applies to each and all of such items unless otherwise noted in the Comments section, PART III of this Disclosure Statement. If an item in this

Part is not on the property or will not be included in the sale, check only the "None/Not Included" column for that item.

| | | Not Working | Do Not Know If Working | None/Not Included |
|---|---------|----------------|------------------------------|----------------------|
| Section A. Appliances. | | | | |
| 1. Built-in vacuum system and equipment | Working | | | |
| 2. Clothes dryer | | | | |
| 3. Clothes washer | | | | |
| 4. Dishwasher | | | | |
| 5. Disposal | | | | |
| 6. Freezer | | | | |
| 7. Gas grill | | | | |
| 8. Range ventilation systems | | | | |
| 9. Microwave oven | | | | |
| 10. Oven | | | | |
| 11. Range | | | | |
| 12. Refrigerator | | | | |
| 13. Room air conditioner | | | | |
| 14. TV antenna/satellite dish | | | | |
| 15. Trash compactor | | | | |
| 16. Other (specify) | | | | |

| | | Not Working | Do Not Know If Working | None/Not Included |
|---|---------|----------------|------------------------------|----------------------|
| Section B. Electrical Systems. | | | | |
| 1. Electric service panel (capacity _____ amp, if known) _____fuse _____circuit breakers | Working | | | |
| 2. Ceiling fan(s) | | | | |
| 3. Garage door opener/remote controller(s) (number of controllers, if included _____) | | | | |
| 4. Telephone wiring and jacks | | | | |
| 5. Cable TV wiring and jacks | | | | |
| 6. Intercom or sound system wiring and built-in speakers | | | | |
| 7. Smoke/fire alarm | | | | |
| 8. Room vent fan | | | | |
| 9. 220 volt service | | | | |
| 10. Security system __owned __leased __Central station monitoring | | | | |
| 11. Other (specify) | | | | |
| 12. Have you experienced any problems with the electrical system or its components? __No __Yes If yes, explain the condition in the Comments section, PART III of this Disclosure Statement. | | | | |

| | | Not Working | Do Not Know If Working | None/Not Included |
|--|---------|----------------|------------------------------|----------------------|
| Section C. Heating and Cooling Systems. | | | | |
| 1. Air purifier | Working | | | |
| 2. Attic fan | | | | |
| 3. Whole house fan | | | | |
| 4. Central air conditioning | | | | |
| 5. Fireplace/fireplace insert | | | | |
| 6. Heating system (____gas ____electric ____other, specify) | | | | |
| 7. Gas log | | | | |
| 8. Gas starter (fireplace) | | | | |

9. Heat pump
10. Humidifier
11. Propane tank
(___rent ___own)
12. Woodburning stove
13. Other (specify)

Section D. Water Systems.

1. Hot tub/whirlpool
2. Plumbing
3. Swimming pool
4. Underground sprinkler
___backflow preventer

| | | | |
|---------|---------|---------|----------|
| | Do Not | | |
| | Know If | | |
| Working | Not | Working | None/Not |
| | Working | Working | Included |

5. Water heater
6. Water purifier
7. Water softener
(____rent ____own)
8. Well system
9. Other (specify)

Section E. Sewer Systems.

- | | Working | Not
Working | Do Not
Know If
Working | None/Not
Included |
|---------------------------------------|---------|----------------|------------------------------|----------------------|
| 1. Plumbing | | | | |
| 2. Sump pump (discharges to _____) | | | | |
| 3. Septic system | | | | |
| 4. Other (specify) | | | | |
| 5. Other (specify) | | | | |

PART II - In this part, in Sections A, B, and C, if the answer to any item is "Yes", explain the condition in the Comments section, PART III of this Disclosure Statement.

Section A. Structural Conditions. If there is more than one of any item listed in this Section, the statement made applies to each and all of such items unless otherwise noted in the Comments section, PART III of this Disclosure Statement.

- | | Yes | No | Do Not
Know |
|--|-----|----|----------------|
| 1. Age of roof (if known) _____ years | | | |
| 2. Does the roof leak? | | | |
| 3. Has the roof leaked? | | | |
| 4. Is there presently damage to the roof? | | | |
| 5. Has there been leakage/seepage in the basement or crawl space? | | | |
| 6. Has there been any damage to the real property or any of the structures thereon due to the following occurrences including, but not limited to, wind, hail, fire, flood, wood-destroying insects, or rodents? | | | |
| 7. Are there any structural problems with the structures on the real property? | | | |
| 8. Is there presently damage to the chimney? | | | |
| 9. Are there any windows which presently leak, or do any insulated windows have broken seals? | | | |
| 10. Have you experienced any moving or settling of the following: foundation? floor? wall? sidewalk? patio? driveway? retaining wall? | | | |

Section B. Environmental Conditions. Have any of the following substances, materials, or products been on the real property? If tests have been conducted for any of the following, provide a copy of all test results, if available.

Do Not
9/02

| | Yes | No | Know |
|---|-----|----|------|
| 1. Asbestos | | | |
| 2. Contaminated soil or water (including drinking water) | | | |
| 3. Landfill or buried materials | | | |
| 4. Lead-based paint | | | |
| 5. Radon gas | | | |
| 6. Toxic materials | | | |
| 7. Underground fuel, chemical, or other type of storage tank | | | |
| 8. Have any other hazardous substances, materials, or products identified by the Environmental Protection Agency or its authorized Nebraska designee been on the real property? | | | |

Section C. Title Conditions. Do any of the following conditions exist with regard to the real property?

| | Yes | No | Do Not Know |
|---|-----|----|----------------|
| 1. Any features, such as walls, fences, and driveways, which are shared? | | | |
| 2. Any easements, other than normal utility easements? | | | |
| 3. Any encroachments? | | | |
| 4. Any zoning violations, non-conforming uses, or violations of "setback" requirements? | | | |
| 5. Any lot-line disputes? | | | |
| 6. Have you been notified, or are you aware, of any work planned or to be performed by a utility or municipality close to the real property including but not limited to sidewalks, streets, sewers, water, power, or gas lines? | | | |
| 7. Any condominium, homeowners, or other type of association which has any authority over the real property? | | | |
| 8. Does ownership of the property entitle the owner to use any "common area" facilities such as pools, tennis courts, walkways, or other common use areas? | | | |
| 9. Any lawsuits regarding this property during the ownership of the seller? | | | |
| 10. Any notices from any governmental or quasi- governmental agency affecting the real property? | | | |
| 11. Any planned road or street expansions, improvements, or widenings adjacent to the real property? | | | |
| 12. Any unpaid bills or claims of others for labor and/or materials furnished to or for the real property? | | | |
| 13. Any deed restrictions or other restrictions of record affecting the real property? | | | |
| 14. Any unsatisfied judgments against Seller? | | | |
| 15. Any dispute regarding a right of access to the real property? | | | |

16. Any other title conditions which might affect the real property?

Section D. Other Conditions.

| | Yes | No | Do Not Know |
|--|-----|----|-------------|
| 1. Are the dwelling and the improvements connected to a public water system? Is the system operational? | | | |
| 2. Are the dwelling and the improvements connected to a public sewer system? Is the system operational? | | | |

3. Are the dwelling and the improvements connected to a private or community (non-public) water system?
Is the system operational?
Year last tested _____
4. Are the dwelling and the improvements connected to a private or community (non-public) sewer system?
Is the system operational?
5. Are the dwelling and the improvements connected to a septic system?
Is the system operational?
6. Is the real property in a:
____ flood plain? ____ floodway?
7. Is trash removal service provided to the real property?
If so, the trash service is
public_____ private_____
8. Have the structures been mitigated for radon? If yes, when? _____
9. Is the property connected to a natural gas system?
10. Has a pet been domiciled in the dwelling?
type(s)_____

If the answer to any of the following items is "Yes", explain in the Comments section, PART III of this Disclosure Statement.

- | | Yes | No | Do Not
Know |
|--|-----|----|----------------|
| 11. Are any trees or shrubs on the real property diseased or dead? Are any trees or shrubs scheduled to be removed? | | | |
| 12. Are there any flooding, drainage, or grading problems in connection with the real property? | | | |
| 13. Have you made any insurance or manufacturer claims with regard to the property? | | | |
| 14. Are you aware of any problem to the exterior wallcovering of the structure including, but not limited to, siding, synthetic stucco, masonry, or other materials? | | | |

Section E. Cleaning/Servicing Conditions. Have you ever performed or had performed the following? State the most recent year:

- | | Year | Yes | No | Do Not
Know | None/Not
Included |
|--|------|-----|----|----------------|----------------------|
| 1. Servicing of air conditioner | | | | | |
| 2. Cleaning of fireplace, including chimney | | | | | |
| 3. Servicing of furnace | | | | | |
| 4. Servicing of septic system | | | | | |
| 5. Cleaning of woodburning stove, including chimney | | | | | |
| 6. Treatment for wood-destroying insects or rodents | | | | | |
| 7. Tested well water | | | | | |
| 8. Serviced/treated well water | | | | | |

PART III - Comments. Please reference comments on items responded to above by PART I or II, Section letter and item number. Use additional pages if necessary.

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If checked here _____, PART III is continued on a separate page(s).

SELLER'S CERTIFICATION

Seller hereby certifies that this Disclosure Statement, which consists of _____ pages, has been completed by Seller; that Seller has completed this Disclosure Statement to the best of Seller's belief and knowledge as of the date hereof, which is the date this Disclosure Statement is completed and signed by Seller.

Seller_____ Date

Seller_____ Date

**ACKNOWLEDGMENT OF RECEIPT OF DISCLOSURE STATEMENT,
UNDERSTANDING AND CERTIFICATION**

I/We: acknowledge receipt of a photocopy of the above Seller Property Condition Disclosure Statement; understand that such Disclosure Statement is not a warranty of any kind by the Seller or any agent representing any principal in the transaction; understand that such Disclosure Statement should not be accepted as a substitute for any inspection or warranty that I/we may wish to obtain; understand the information provided in this Disclosure Statement is the representation of the Seller and not the representation of any agent, and is not intended to be part of any contract between the Seller and Purchaser; and certify that such Disclosure Statement was delivered to me/us or my/our agent on or before the effective date of any contract entered into by me/us relating to the real property described in such Disclosure Statement.

Purchaser _____ Receipt
Date_____

Purchaser _____ Receipt
Date_____

The effective date of this amended Chapter is January 1, 2003.
Laws 1994, LB 642, §1(12); RS 1943, §76-2,120.01(12), R.S. Cum. Supp.,
1994. Effective July 16, 1994.